

**CITY OF PHILADELPHIA**  
**BOARD OF PENSIONS AND RETIREMENT**  
**Meeting of June 26, 2014**  
**MINUTES**

On June 26, 2014, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:19 a.m. in the Board's Conference Room.

Present: Paula Weiss  
William Rubin  
Brian Albert  
Albert D'Attilio  
Carol Stukes-Baylor  
Andrew Thomas  
Veronica Pankey  
Francois Dutchie  
Ronald Stagliano

Also Attending: Francis Bielli - Board of Pensions  
Mark Murphy - Board of Pensions  
Shamika Taliaferro – Board of Pensions  
Patricia Fitzgerald – Human Resources  
Sumit Handa – Investment Unit  
Brad Woolworth - Investment Unit  
Christopher DiFusco – Investment Unit  
Ellen Berkowitz – Law Department  
Katharine Janoski – Law Department  
Mark Johnson – Cliffwater  
Charles Jones – Exec. Director, Sinking Fund Commission  
Will Greene – Loop Capital

Ms. Weiss stated that the first order of business is the consideration of the Minutes of June 3, 2014.

Andrew Thomas made a motion to approve. Ronald Stagliano seconded the motion.

**The motion to approve the Minutes of June 2, 2014 carried 6-0-2.**

**CONSIDERATION OF (120) PENSION APPLICATIONS AND (79) WITHDRAWAL APPLICATIONS**

Ronald Stagliano made a motion to approve. Veronica Pankey seconded the motion.

**The motion to approve carried unanimously 8-0.**

## **APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS**

### **Case of Kevin Jackson, Application for Service-Connected Disability Benefits – Plan “A”**

This is an application by Kevin Jackson, former Fire Service Paramedic, Fire Department, for Service-Connected Disability Benefits in Plan “A”.

According to Mr. Jackson, he sustained the injury while working when he was lifting a patient and injured his lower back. His dates of injury are January 20, 2012, December 9, 2001 and July 20, 2009.

Andrew Thomas made a motion to approve. Ronald Stagliano seconded the motion.

**The motion to approve carried unanimously 8-0.**

### **Case of Betzaida Albandoz, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Betzaida Albandoz, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Ms. Albandoz, she sustained the injury to her back while working when her patrol was hit by an oncoming vehicle. Her date of injury is December 3, 2010.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

**The motion to approve carried unanimously 8-0.**

### **Case of James Boyle III, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by James Boyle III, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Mr. Boyle, he sustained the injury to his left shoulder cuffing a defendant. His date of injury is June 12, 2009.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

**The motion to approve carried unanimously 8-0.**

**Case of Joseph Rogers, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Joseph Rogers, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Mr. Rogers, he sustained the injury while working when he stepped on a grate, and twisted his left knee. His date of injury is December 3, 2010.

Brian Albert made a motion to deny. Francois Dutchie seconded the motion.

**The motion to deny carried 3-0-5**

**Case of Kelisha Smith, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Kelisha Smith, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Ms. Smith, she sustained the injury while working when her left hand was crushed by the patrol car door. She further states she has RSD. Her date of injury is September 10, 2010.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

**The motion to approve carried unanimously 8-0.**

**Case of Sean Brooks, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Sean Brooks, former Laborer, Streets Department, for Service-Connected Disability Benefits in Plan “Y”.

According to Mr. Brooks, he sustained the injury while working when he was carrying a recycling bin and slipped off the curb. He further states that his right leg and hip were injured. His date of injury is October 19, 2011.

Carol Stukes made a motion to approve. Veronica Pankey seconded the motion.

**The motion to approve carried unanimously 8-0.**

**Case of Brenda Morris, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Brenda Morris, former Custodial Worker I, Airport, for Service-Connected Disability Benefits in Plan “Y”.

According to Ms. Morris, she sustained the injury while working when she was mopping up a floor and developed pain in her right shoulder. Her date of injury is May 8, 2012.

Carol Stukes made a motion to approve. Veronica Pankey seconded the motion.

**The motion to approve carried unanimously 8-0.**

**Case of Edgardo Perez, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Edgardo Perez, former Correctional Sergeant, Prisons, for Service-Connected Disability Benefits in Plan “Y”.

According to Mr. Perez, while working, he sustained the injury in an altercation with an inmate. He further states that his injury was to his left, middle and ring fingers. His date of injury is December 21, 2012.

Carol Stukes-Baylor made a motion to approve. Veronica Pankey seconded the motion.

**The motion to approve carried unanimously 8-0.**

**APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS BEYOND THE ONE YEAR DEADLINE**

Case of Brian MacTough, Request to Apply for Service-Connected Disability Benefits Beyond One Year Deadline – Plan J

This is a request by Brian MacTough, former Water Department Maintenance Coordinator to make application for Service-Connected Disability benefits Beyond the One-Year Deadline in Plan J.

Brian MacTough was separated from a Leave of Absence effective August 11, 2010.

In a letter dated June 5, 2014, Brian MacTough explained that he is appealing the denial of his application for a Service Connected Disability. He states he was not aware such a pension benefit existed at the time of his separation. He states that he was informed of it via an email from the City of Philadelphia’s Workers’ Comp insurance carrier, Comp Services, to his lawyer. Once aware, he applied for a Service-Connected Disability and denied because it was past the one year deadline. Therefore, he is requesting the Board to approve his application to apply for Service-Connected Disability beyond the one-year deadline.

Brian MacTough is 54 years of age and has 18 years, 1 month and 12 days of credited service.

Brian Albert made a motion to deny. Carol Stukes seconded the motion.

**The motion to deny carried unanimously 8-0.**

**REQUEST TO PURCHASE PENSION CREDIT FOR PRIOR VESTED GOVERNMENTAL EMPLOYMENT AND, IF APPROVED, TO WAIVE THE ACCRUED INTEREST**

**Case of Justin Frank, Request to Purchase Pension Credit for Prior Vested Governmental Employment and, if Approved, to Waive the Accrued Interest**

Justin Frank was rehired as a Police Officer Recruit on 8/5/02. A letter outlining his purchase rights was forwarded to his address of record on 8/14/02 and was not returned by the postal service. He purchased his prior city service 12/1/97 through 4/14/00.

Mr. Frank's application to purchase his prior employment with Temple University (TU) was received on 3/10/11. At that time, TU stated that Mr. Frank was not entitled to vested benefits resulting from his employment there. As a result, a bill was forwarded to him on 5/27/11. This bill expired 8/29/11 with no response. He separated 7/1/11 but did not withdraw his contributions. Mr. Frank was rehired 6/27/12 and a letter outlining his purchase rights was forwarded to his address of record on 7/20/12 and was not returned by the postal service. His second application to purchase pension credit for his prior employment with TU was received on 8/16/13.

On 10/16/13, Temple advised that Mr. Frank was entitled to receive a vested benefit resulting from his employment there. Given the previous information we received stating he was not vested, we contacted Anitra Hillard of TU who verbally confirmed that Mr. Frank was in fact vested and ineligible to waive the vested benefit. As a result, Mr. Frank's application was administratively denied on 3/7/14. His timely appeal of the above denial was received on 3/19/14.

On 4/16/14 TU forwarded a letter stating that while his employment there was from 4/17/00-8/4/02, he is only vested for the period from 4/17/00-6/30/01 but not from 7/1/01-8/4/02. On 4/17/14, we wrote to Mr. Frank at his address of record to advise him of the additional information received from TU and asked him to contact us to discuss his options. Pension Program Administrator Teresa Gray spoke with Mr. Frank on May 28, 2014 and he was advised of the total cost of \$9002.06 [\$3870.69(contributions)+\$5131.37(interest)] to purchase his non vested period from 7/1/01 through 8/4/02. He reiterated that he feels he should be permitted to purchase the vested period as well and that the interest on both portions should be waived.

1. Brian Albert made a motion to deny. Francois Dutchie seconded the motion.

**The motion to deny carried 7-0-1 to buy prior vested time.**

2. Brian Albert made a motion to deny. Veronica Pankey seconded the motion.

**The motion to deny carried 7-0-1 to waive interest on purchase of non-vested time.**

**OLD BUSINESS**

**Case of Arthur Brown, Reconsideration of Application for Service-Connected Disability Benefits – Plan “J”**

This case was **tabled** at the June 3, 2014 Board meeting and approved at the Board meeting of April 24, 2014 and is being listed for **Reconsideration**.

This is an application by Arthur Brown, former Equipment Operator, Streets Department, for Service-Connected Disability Benefits in Plan “J”.

According to Mr. Brown, he sustained the injury when he was dumping some cables and also when he stepped off the truck and fell four feet. He further stated that his injury is to his right foot, lower back and head. The date of his injury was May 2, 2012.

1. Ronald Stagliano made a motion to approve to reconsider application. William Rubin seconded the motion.

**The motion to approve to reconsider application carried 6-2.**

2. Ronald Stagliano made a motion to deny application for Service-Connected Disability Benefits. Carol Stukes seconded the motion.

**The motion to deny carried 6-2.**

**Case of John VanDerVort Jr., Application for Service-Connected Disability Benefits – Plan “B”**

This case was **denied** at the September 26, 2013 Board Meeting. A Hearing Panel was held on May 21, 2014.

The Hearing Panel votes are as follows:

Ms. Patricia Fitzgerald:           Recommend denial.  
Deny request for Service Connected Disability Benefits. Disability not due solely to injuries from duties as a Police Officer.

Mr. James Leonard:                Recommend denial.  
Insufficient medical evidence to meet burden of proof.

Mr. Andrew Thomas:                Recommend denial.  
Lack of supporting medical documentation, to support a conclusion of Post Traumatic Stress Disorder as due solely.

The history of the case is as follows:

This is an application by John VanDerVort Jr. former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Mr. VanDerVort Jr., he sustained the injury when a dog charged at him and an unknown object struck him, hitting him on his lower left leg. His date of injury is October 8, 2009.

Brian Albert made a motion to deny. William seconded the motion.

**The motion to deny carried 5-0-3.**

**Case of James Bowie, Application for Service-Connected Disability Benefits – Plan “J”**

This case was **denied** at the January 23, 2014 Board Meeting. A Hearing Panel was held on June 4, 2014.

The Hearing Panel votes are as follows:

Mr. James Leonard: Recommend denial.

Mr. Andrew Thomas: Recommend denial.  
Medical conditions pre-existing. Lack of documented medical supporting information.

Ms. Paula Weiss: Recommend denial.  
Mr. Bowie has multiple medical issues unrelated to work injuries.

The history of the case is as follows:

This is an application by James Bowie, former Custodial Worker, Water Department, for Service-Connected Disability Benefits in Plan “J”.

According to Mr. Bowie, he sustained the injury while working when he slipped and fell. He further stated that his disability is to his right ankle, left elbow and both knees and the date of his injury is November 15, 2010.

Brian Albert made a motion to deny. William Rubin seconded the motion.

**The motion to deny carried unanimously 8-0.**

**Case of Monica Scott, Application for Service-Connected Disability Benefits – Plan “Y”**

This case was **denied** at the January 23, 2014 Board Meeting. A Hearing Panel was held on June 4, 2014.

The Hearing Panel votes are as follows:

Mr. James Leonard: Recommend denial.  
Failure to meet burden of proof with sufficient medical evidence.

Mr. Andrew Thomas: Recommend approval.  
Dr. Weinerman and Dr. Allon state injuries due solely.

Ms. Paula Weiss: Recommend denial.

The history of the case is as follows:

This is an application by Monica Scott, former Correctional Officer, Prisons Department, for Service-Connected Disability Benefits in Plan “Y”.

According to Ms. Scott, she sustained the injury while working when she tripped over a curb and fell. She further stated that the nature of her disability is to both - legs, hands and knees, left ankle, neck and back and the dates of her injuries are June 17, 2004, October 18, 2008 and December 20, 2009.

Carol Stukes made a motion approve. Andrew Thomas seconded the motion.

**The vote was 4-3-1, the Chair voted to deny. Motion fails and is denied 4-4-1.**

**Case of Wanda Colon, Application for Service-Connected Disability Benefits – Plan “B”**

This case was **tabled** at the June 3, 2014 Board Meeting at the request of Trustee Stukes-Baylor for Dr. Knox to provide a clearer conclusion on his report.

Attached is a revised final report for Dr. Knox dated April 29, 2014.

The history of the case is as follows:

This is an application by Wanda Colon, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Ms. Colon, she sustained the injury while working when she responded to a radio call. She further stated that her injury is to her right hand and finger and the date of her injury is July 6, 2008.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

**The motion to approve carried unanimously 8-0.**

## **NEW BUSINESS**

### **Executive Director's Report**

Mr. Bielli stated that a notice was received from the Records department that amended Regulation 6 has been posted and advertised. Assuming that there is no request for hearing, it will become effective midnight July 14, 2014.

Litigation Summary – Nothing to report.

Brian Albert made a motion to adjourn. Francois Dutchie seconded the motion. The meeting adjourned at 9:29 a.m.